

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WERNER SCHAEFER, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
HPB FOAM LLC, et al.	:	NO. 24-6298

ORDER

AND NOW, this 8th day of July, 2025, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that:

(1) The motion of all defendants to dismiss Count I and Count II of the complaint (Doc. # 22) is GRANTED;

(2) The motion of defendants JEZ Investments LLC, HorsePower Nation LLC, SVHB Marketing LLC d/b/a HorsePower Brands, and HPB Foam Holdings LLC to dismiss Count III and Count IV of the complaint as to them is GRANTED;

(3) The motion of defendants Joshua Skolnick, Zachery Beutler, and Anthony Hulbert to dismiss Count III and Count IV of the complaint as to them is GRANTED;

(4) The motion of defendant HPB Foam LLC to dismiss Count III and Count IV of the complaint is GRANTED to the extent plaintiffs rely on any fraud or misrepresentations outside the Franchise Disclosure Document or the Franchise Agreements;

(5) The motion of defendant HPB Foam LLC to dismiss Count III and Count IV of the complaint is GRANTED to the extent the claims asserted as to Franchise Disclosure Document or the

Franchise Agreements had accrued through March 23, 2023 but DENIED to the extent they accrued thereafter;

(6) The motion of defendants HPB Foam LLC to dismiss Count V of the complaint is DENIED; and

(7) The motion of defendants for attorneys' fees under the Franchise Agreement is DENIED without prejudice.

BY THE COURT:

/s/ Harvey Bartle III
J.